



California Regional Water Quality Control Board

Los Angeles Region



Terry Tamminen
Secretary for
Environmental
Protection

54 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

Arnold Schwarzenegger
Governor

Notice of Public Meeting/Hearing

Thursday, August 5, 2004

9:00 a.m.

Meeting Location:

The Metropolitan Water District of Southern California

Board Room

700 North Alameda Street

Los Angeles, California

AGENDA

The Regional Board strives to conduct an accessible, orderly, and fair meeting. During the meeting, the Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals, and may be modified by the Board as a result of public comment or Board member input. Additional information about Regional Board meeting procedures is included after the last agenda item.

To ensure a fair hearing and that the Regional Board Members have an opportunity to fully study and consider written material, written materials must be provided to the Executive Officer ***not later than 5:00 p.m. on the Thursday preceding the Board meeting. Please consult the agenda description for specific items, because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedure may result in your materials being excluded from the hearing record.***

INTRODUCTORY ITEMS

1. **Roll Call.**
2. **Order of Agenda.** The agenda items are numbered for identification purposes only and will not necessarily be considered in this order.
3. **Approval of Minutes for June 10, 2004, and July 1, 2004 Regular Meetings.**
[Stephen Cain, (213) 576-6694]
4. **Board Member Communications.**
[Robert Sams, (213) 576-6797]
 - 4.1 Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.
 - 4.2 Board Member Communication. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.

5. **Executive Officer's Report.**
[Jonathan Bishop, (213) 576-6605]
6. **Public Forum.** Any person may address the Board regarding any matter within the Board's jurisdiction that does not appear elsewhere on this agenda. Remarks will be limited to five (5) minutes, unless otherwise directed by the Chair.
7. **Uncontested Action Items Calendar.** Items marked with an asterisk are expected to be routine or noncontroversial. The Board will be asked to approve these items at one time without discussion. Any person may request that an item be removed from the uncontested calendar. The Chair will determine the appropriate time to consider an item removed from the consent calendar.

UNCONTESTED ACTION ITEMS

Waste Discharge Requirements that Serve as Individual NPDES Permits

Renewal -

- *8. Metropolitan Stevedore Company (Long Beach Inner Harbor), Long Beach; NPDES No. CA0057746. [Rosario Aston, (213) 576-6653]
- *9. Westway Terminal Company (Los Angeles Inner Harbor), Los Angeles; NPDES No. CA0002186. [Cassandra Owens, (213) 576-6750]
- *10. ExxonMobil Oil Corporation (Southwestern Terminal Area 1), Terminal Island; NPDES No. CA0003689. [Mazhar Ali, (213) 576-6652]
- *11. BP West Coast Products, LLC (Long Beach Inner Harbor), Long Beach; NPDES No. CA0000442. [Mazhar Ali, (213) 576-6652]

Rescission -

- *12. City of Gardena (Primm Memorial Swimming Pool), Gardena; NPDES No. CA0056413. [Rosario Aston, (213) 576-6653]
- *13. Water Replenishment District of Southern California (West Coast Basin Desalter), Torrance; NPDES No. CA0064238. [Rosario Aston, 576-6653]

Non-NPDES State Water Discharge Requirements

New -

- *14. United Rock Products Corporation (Pit No. 2, Mine Reclamation), Irwindale; File No. 04-002 [Wen Yang, (213) 620-2253]
- *15. Reliant Energy Ormond Beach, Inc. (Ormond Beach Generation Station), Oxnard; File No. 02-157. [Orlando H. Gonzalez, (213) 620-2267]

Rescission -

- *16. Ferro Cast Company (Order 87-134), Ventura; File No. 66-99. [Dionisia Rodriguez, (213) 620-6122]

Waste Discharge Requirements that Serve as Individual NPDES Permits

- *17. NPDES Permit Revisions for the following Publicly Owned Treatment Works (POTWs). (After a public hearing, the Board will be asked to adopt the tentative Order amending the numeric final effluent chronic toxicity limitations in the NPDES Permits to be consistent with the State Boards precedential Order No. WQO 2003-0012.) [Veronica Cuevas, (213) 576-6662]

- *17.1 Camarillo Sanitary District, Camarillo Water Reclamation Plant
NPDES No. CA0053597, Order No. R4-2003-0079
- *17.2 City of Simi Valley, Simi Valley Water Quality Control Plant
NPDES No. CA0055221, Order No. R4-2003-0081
- *17.3 City of Thousand Oaks, Hill Canyon Wastewater Treatment Plant
NPDES No. CA0056294, Order No. R4-2003-0083
- *17.4 Ojai Valley Sanitary District, Ojai Valley Wastewater Treatment Plant
NPDES No. CA0053961, Order No. R4-2003-0087

Mitigated Negative Declaration/Waste Discharge Requirements

- *18. Consideration of a tentative Resolution approving a California Environmental Quality Act (CEQA) Initial Study and adopting tentative Mitigated Negative Declaration and Waste Discharge Requirements for injection of gaseous ozone at Venice McLaughlin Center for Larry Canchola and Mojdeh Daneshrad (File No. 900660170). [Orlando H. Gonzalez, (213) 620-2267]
 - *18.1 Mitigated Negative Declaration
 - *18.2 Waste Discharge Requirements

OTHER ACTION ITEMS

Administrative Civil Liability - Panel Hearing Recommendations

- 19. A hearing was held before a Board member panel on May 11, 2004 for the following matters. The Panel members will provide a report to the full Board and recommend a disposition on the following Complaints. The full Board will consider the proposed dispositions and make a final decision on each of these matters. In so doing, the Board may meet in closed session to deliberate pursuant to Government Code section 11123(c)(3)).
 - 19.A Hearing on Complaint No. R4-2004-0013, to assess penalties against Gollo's Auto Dismantler, Inc. for Administrative Civil Liability in the amount of \$10,370. The Permittee is alleged to have violated sections 13376 and 13399.30 of the California Water Code, by failing to file a Notice of Intent to comply with General Permit No. CAS000001. [Jeff Mack, (213) 620-2121]
 - 19.B Hearing on Complaint No. R4-2004-0015, to assess penalties against Desert Express for Administrative Civil Liability in the amount of \$2,760. The Permittee is alleged to have violated section B14 of the General Permit No. CAS000001, the Federal Clean Water Act, and the California Water Code, by failing to submit an Annual Report by July 1, 2003. [Ivar Ridgeway, (213) 620-2150]
 - 19.C Hearing on Complaint No. R4-2004-0037, to assess penalties against Truck Parts Company for Administrative Civil Liability in the amount of \$6,750. The Permittee is alleged to have violated section B14 of the General Permit No. CAS000001, the Federal Clean Water Act, and the California Water Code, by failing to submit an Annual Report by July 1, 2003. [Ivar Ridgeway, (213) 620-2150]
 - 19.D Hearing on Complaint No. R4-200-4-0016, to assess penalties against Ace Auto & Truck Recycling for Administrative Civil Liability in the amount of \$3,250. The Permittee is alleged to have violated section B14 of the General Permit No. CAS000001, the Federal Clean Water Act, and the California Water Code, by failing to submit an Annual Report by July 1, 2003. [Ann Zaskodna, (213) 620-2120]

- 19.E Hearing on Complaint No. R4-2004-0027, to assess penalties against Artisan Bronze for Administrative Civil Liability in the amount of \$2,750. The Permittee is alleged to have violated section B14 of the General Permit No. CAS000001, the Federal Clean Water Act, and the California Water Code, by failing to submit an Annual Report by July 1, 2003. [Ejigu Solomon, (213) 620-2237]
- 19.F Hearing on Complaint No. R4-2004-0028, to assess penalties against California Public Recycling for Administrative Civil Liability in the amount of \$3,250. The Permittee is alleged to have violated section B14 of the General Permit no. CAS000001, the Federal Clean Water Act, and the California Water Code, by failing to submit an Annual Report by July 1, 2003. [Ann Zaskodna, (213) 620-2120]
- 19.G Hearing on Complaint No. R4-2004-0021, to assess penalties against F.G. Auto Sales & Dismantling for Administrative Civil Liability in the amount of \$2,900. The Permittee is alleged to have violated section B14 of the General permit No. CAS000001, the Federal Clean Water Act, and the California Water Code, by failing to submit an Annual Report by July 1, 2003. [Wendy Liu, (213) 620-2219]

Memorandum Of Understanding

- 20. Consideration of a tentative Resolution approving a Memorandum of Understanding with the County of Los Angeles and Waivers of Waste Discharge Requirements for Residential Onsite Wastewater Treatments Systems. [Jenny Newman, (213) 576-6808]
- 21. Consideration of a tentative Resolution approving a Memorandum of Understanding with the City of Malibu and Waivers of Waste Discharge Requirements for residential and certain de minimis Commercial Onsite Wastewater Treatment Systems. [Jenny Newman (213) 576-6808]

Administrative Civil Liability – Hearing (After a public hearing to receive evidence and testimony concerning each of the Complaints, the Board will be asked to affirm or modify each of the Complaints. In so doing, the Board may meet in closed session to deliberate pursuant to Government Code section 11123(c)(3).)

- 22. Hearing on Complaint No. R4-2004-0078 to assess Mandatory Minimum Penalties in the amount of \$3,000 pursuant to Water Code section 13385(h) against Bevcon I, LLC, for violation of its Waste Discharge Requirements contained in Order No. 97-045. [Russ Colby, (213) 620-6373]
- 23. Hearing on Complaint No. R4-2004-0085 to assess Mandatory Minimum Penalties in the amount of \$3,000 pursuant to Water Code section 13385(h) against Bevcon I, LLC, for violation of its Waste Discharge Requirements contained in Order No. 97-045. [Russ Colby, (213) 620-6373]
- 24. Hearing on Complaint No. R4-2004-0081 to assess Mandatory Minimum Penalties in the amount of \$6,000 pursuant to Water Code section 13385(h) against Maguire Partners, Inc., for violation of its Waste Discharge Requirements contained in Order No. 98-055. [Joyce Wang, (213) 620-6369]
- 25. Hearing on Complaint No. R4-2004-0101 to assess Mandatory Minimum Penalties in the amount of \$6,000 pursuant to Water Code section 13385(h) against Long Beach Unified School District, for violation of its Waste Discharge Requirements contained in Order No. 97-055. [Lala Kabadaian (213) 620-6370]
- 26. Hearing on Complaint No. R4-2004-0063 to assess Mandatory Minimum Penalties in the amount of \$6,000 pursuant to Water Code section 13385(h) against Long Beach Unified School District, for violation its Waste Discharge Requirements contained in Order No. 97-055. [Lala Kabadaian, (213) 620-6370]
- 27. Hearing on Complaint No. R4-2004-0044 to assess penalties against Baxville, Inc. dba Richway Plastics for Administrative Civil Liability in the amount of \$10,000. The operator is alleged to have violated section 13376 of the California Water Code, and the Federal Clean Water Act. [Jeff Mack, (213) 620-2121]

CLOSED SESSION

28. As authorized by the Government Code, the Regional Board will be meeting in closed session. Closed session items are not open to the public.
[Michael Lauffer, (916) 341-5183]

Personnel Matters. (*Authority: Government Code Section 11126(a)(1).*)

- 28.1 The Board will meet in closed session to discuss the appointment and employment of an Executive Officer.

Litigation/Administrative Challenges. (*Authority: Government Code Section 11126(e).*)

- 28.2 City of Los Angeles, City of Burbank v. Los Angeles Regional Water Quality Control Board, Los Angeles County Superior Court, Case Nos. BS 060957 and BS 060960.
- 28.3 Trash TMDL Lawsuit against Los Angeles Regional Water Quality Control Board; Cities of Arcadia, et. al San Diego Superior Court Case No. GIC 803631.
- 28.4 Litigation filed in Los Angeles Superior Court, In Re Municipal Storm Water Permit for Los Angeles County Order No. 01-182 [NPDES No. CAS004001].
- 28.5 Petition to SWRCB No. A-1591 filed by the City of Santa Paula for Failure to Modify Waste Discharge Requirements Order No. 97-041 [NPDES No. CA0054224] for Santa Paula Waste Treatment Plant.
- 28.6 Petition to SWRCB No. A-1484 for Harris Water Conditioning, Inc. Order No. R4-2002-0093 (NPDES Permit No. CA0060267).
- 28.7 In re Halaco Engineering Company, United States Bankruptcy Court, Central District of California, Northern Division Case No. ND-02-12255 RR; and Petition to SWRCB No. A-1602 filed by Halaco Engineering Co. challenging Cleanup and Abatement Order No. R4-2003-0135.

ADJOURNMENT

29. **Adjournment of Current Meeting.** The next Regular Meeting is scheduled for September 2, 2004, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, CA.

NOTICE

Additional information concerning hearing procedures, written submissions, and the record.

Hearing Procedures: The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Any requests for an alternate hearing process should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received prior to the relevant deadline*** established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 12 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs., tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

Accessibility: Individuals requiring special accommodations or language needs should contact Sonja Gettel at (213) 576-6801 or sgettel@rb4.swrcb.ca.gov at least ten working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

Challenging a Regional Board Action: Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Regional Board. A petition must be filed within 30 days of the action. Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; ATTN: Elizabeth Miller Jennings, Senior Staff Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

Electronic Information and Updates: Our web site address is www.swrcb.ca.gov/rwqcb4. The site can also be accessed through the State Water Resources Control Board's web site at www.swrcb.ca.gov, then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.

Pending Water Quality Certifications: A listing of pending water quality certification applications currently on public notice pursuant to Section 401 of the Federal Clean Water Act may be obtained by calling Valerie Carrillo at (213) 576-6759.
